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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,684	06/27/2003	Giacomo Di Lauretis	CM2682L	7700
27752	7590	06/23/2004	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			NASH, BRIAN D	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,684

Applicant(s)

DI LAURETIS ET AL

Examiner

Brian D Nash

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: the disclosure is missing descriptive sub-headings, i.e. BACKGROUND OF THE INVENTION, BRIEF SUMMARY OF THE INVENTION, BRIEF DESCRIPTION OF THE DRAWINGS, and DETAILED DESCRIPTION OF THE DRAWINGS.

Appropriate correction is required.

Claim Objections

3. Claims 5 and 6 are objected to because of the following informalities: In claim 5, it is suggested that "mm" be added immediately after "1" to denote millimeter. In claim 6, the phrase "of at least about" is awkward and confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would

Art Unit: 3721

have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-~~2~~, 10-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (hereinafter APA) in view of US 6,023,911 to Elvers et al. The APA discloses the invention substantially as claimed. Specifically, the specifications (pages 1-3) disclose that both the method and apparatus for thermoforming a film into pouches, filling the pouches, and then sequentially sealing the pouches are well known. The APA further discloses that various methods and apparatuses are known to hold a thermofoldable film onto a conveyor, e.g. mechanically securing via clips or tenters; however, such methods and apparatuses run the risk of wrinkling the film or not being able to rapidly fasten and release a hold of the film for high speed manufacturing operations. Elvers et al show an apparatus for advancing webs of sensitive material via two suction bands (16,17) which engage the side margins of a web. Elvers et al further show the apparatus to perform with a high degree of accuracy and reliability and to be less likely to wrinkle, crease, or deform the film (see column 2, line 48 to column 3, line 40).

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the improved apparatus of Elvers et al with the APA in order to produce an apparatus and method for thermoforming film pouches while avoiding the problems of accuracy and reliability for high speed manufacturing and to prevent undesirable deformations or defects to the web.

Regarding claims 3-5, the combination of the APA and Elvers et al do not specifically disclose the suction bands to have orifices arranged in two or more rows, having a size of about 1mm to 5mm, and having a separation between adjacent orifices of about one to five times the orifice diameter. However, it would have been an obvious matter of design choice to arrange the

orifices in a two row array, to have a size of 1mm to 5mm, and to be spaced at a specific separation from each other since applicant has not disclosed that such specific parameters solve any stated problem, but are merely a preferred limitation (specifications, page 5) and it appears that the invention would perform equally well with the single row of suction orifices shown in Busch et al.

Regarding claims 6-8, the combination of the APA and Elvers et al do not specifically disclose the suction bands to have orifices surrounded by a material having a coefficient of friction of at least 0.3, a SHORE hardness (grade A) from 10 to 90, being formed of silicone rubber. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate such a material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

6. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (hereinafter APA) in view of US 6,023,911 to Elvers et al and further in view of US 2004/0093831 to Busch et al. As discussed above in this office action, the APA in view of Elvers et al show the invention substantially as claimed, but do not show the thermoforming due to the application of reduced or under pressure to the moulds. Busch et al teach the process of shaping a film under the action of under pressure, thereby thermoforming the film (see Busch et al, column 2, paragraphs 0021, 0022 and example 6).

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teaching of Busch et al with the combined apparatus and method of the

Art Unit: 3721

APA and Elvers et al in order to produce a method and apparatus wherein the thermoforming is by applying under pressure to the moulds.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watt, Vaders, Focke et al, Campbell, Jr., Yamamoto et al, and van Maanen are cited to show related references.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 703 308-2187.

The fax number for this Group is: 703-872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash
17 June 2004



**SCOTT A. SMITH
PRIMARY EXAMINER**